

PRICE ONE CENT.

NEW YORK, WEDNESDAY, MARCH 19 1902

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COURT BLOCKS THE LEASE OF METROPOLITAN ROAD.

Justice Greenbaum Grants Temporary Injunction Against Proposed Transfer to Metropolitan Securities Company—Big Legal Fight Begun by Wall Street Brokers.

An obstacle in the shape of a temporary injunction was thrown in the way of the proposed transfer of the lines of the Metropolitan Street Railway Company to the new Metropolitan Securities Company to-day.

The injunction was obtained from Justice Greenbaum in the Supreme Court by Sharps & Sharps, attorneys, representing Harry and Walter Content, Wall Street brokers, and others. It prohibits the leasing of any of the lines of the Metropolitan Street Railway Company to the new holding company. The motion will be argued Friday.

A meeting of the stockholders of the company has been called for tomorrow for the purpose of voting on the proposed transfer. The injunction will prevent the meeting from taking any action.

The Metropolitan Securities Company was organized for the purpose of enabling the Metropolitan Street Railway Company to raise \$20,000,000 to be expended in equipping with electricity the various horse-car lines in this city. From this the project grew until it embraced a great concern, with powers of absorption almost unlimited.

Opposition developed at once. Boston interests in the Metropolitan held aloof from the deal. Threats have been made that the courts would be called upon to interfere and the action to-day in the Supreme Court presages a bitter fight.

DURYEY'S ACTIONS PURELY PLATONIC

So Says Starch King's Son When Charged with Many Improprieties.

Justice Gildersleeve was asked in Supreme Court to-day for an order for the examination of witnesses in Egypt in behalf of Larre Smith Duryea, who is suing for a separation from Chester Duryea, son of Gen. Hiram Duryea, the millionaire President of the Starch Trust.

Mrs. Duryea is a daughter of Frank En Waldo Smith, of Boston's most exclusive set, who has a mansion in Beacon street, a country place at St. Augustine and another at Saratoga.

Mrs. Duryea alleges as one specification in her charges of cruelty that her husband made her go to a fancy dress ball when she had measles. He replies that she suffers from too much mother-in-law. The mother-in-law was one of the famous Bevan sisters, of Baltimore, and was conspicuous for her beauty at the inauguration of President Lincoln.

Since the separation Mrs. Duryea has lived at the Earlington.

Calls Her Eye-Witness.

It became necessary to file the papers in the suit to-day, and it developed that the application was for a commission to the United States Consul or Vice-Consul at Cairo, Egypt, for the examination of Mrs. Lelia Witherspoon-Asher in behalf of Mrs. Duryea.

In her affidavit Mrs. Duryea says that Lelia Witherspoon-Asher was an eye-witness in the summer of 1901 to some of the acts complained of, and that she is now living at Cairo, Egypt.

She alleges that her husband has gone to Cairo to establish a residence in Iowa.

In her complaint Mrs. Duryea alleges that their differences began almost in the honeymoon in 1894.

Ordered Out of House.

In November, 1899, while they lived at the Hanover Hotel, she alleges he flew into a violent rage and told her to get out then and there. Though it was

3 o'clock in the morning she declares he seized her and tried to drag her out of bed, tearing her nightgown into shreds, finally setting her into the public hallway.

In March, 1900, at the Windsor Hotel, Palm Beach, Fla., Mrs. Duryea alleges her husband got into a violent rage because she neglected to take in the sheets of water left by the bellboy in the hall. That time she says he grossly insulted her by seizing her face sponge and using it to wash his body.

Alleges He Called Names.

On one occasion, Mrs. Duryea says, her husband arriving home an hour late, already served food to her invalid mother, called her a "snob" before the servants, and when she cried called her a "watering cart," and issued orders that no one was to be served with food without special orders from him.

At the Hotel Mondamin, Sioux City, he got mad one day, she alleges, and said without provocation:

"Your familiarities with anything in trousers are disgusting," and that he would not have a man servant because you are just the kind of a woman who would elope with her butler."

At a fancy ball, she says, he accused her of trying to show her feet and ankles like a fool.

Mrs. Duryea says that after suffering three years a desperate flirtation with Mrs. Harry H. Duryea in the absence of her husband, and the defendant and Mrs. H. H. Duryea were often alone together in the dark, and openly carried on their flirtation in the presence of the plaintiff, and he permitted Mrs. H. H. Duryea to call him by endearing terms, and regardless of the

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BACKBONE OF WINTER REFUSES TO STAY BROKEN.

Blizzard Strikes the Town and Brings Snow, High Wind and Cold.

The blizzard came to town this afternoon. It arrived at one of the clock, four days late, but vigorous.

Late because it had been scheduled for March 15.

You may not have known that a blizzard was due four days ago.

The Weather Bureau didn't know it. The ordinary citizen didn't know it. William Wright knew it.

William is the weather prophet of Brooklyn.

Snowstorms, hail, carnivals, tornadoes, typhoons and hurricanes furnished on suspicion. Address, No. 71A Van Voorhis street.

Enough of the Wright.

Day before yesterday, palm-leaf fans, rickety, white waistcoats and talk about the baseball situation.

Yesterday, heavy overcoat out from the closet and a seat in the car over the steam pipes.

To-day, ear-muffs and hot Scotchies.

And then the blizzard snore flying through the sky like cornmeal from a sieve. Wind tearing along so hard it blew the freckles off the red-headed stenographer. Seventy-four miles an hour, to be exact.

Over soon. But cold to-morrow, very cold.

Early feet of the snow covering the roof of the "L" station at Grand street and the "B" station at Grand street and the "B" station at Grand street.

He was called over and nearly fell to the

WOMAN MAY DIE FROM CAR FALL.

She and Two Others Thrown Violently from the Platform.

CONDUCTOR UNDER ARREST

Curve Was Approached at Speed Which Endangered Safety of Many.

A woman was thrown from the rear platform of a Columbus avenue car at One Hundred and Sixteenth street and Manhattan avenue this afternoon and fatally injured.

Another woman and a small boy were also thrown into the street but escaped with slight bruises. The accident happened owing to the speed at which the car went around the curve. The jerk was so sudden that the three persons went head-long to the pavement.

The name of the injured woman was not ascertained at the time of the accident. She was taken to the J. Hood Wright Hospital unconscious.

The other victims were Mrs. H. O. Heuer, of No. 701 St. Nicholas avenue, and her four-year-old son. They went to their homes after their injuries had been dressed.

The car on which the accident occurred was No. 22. In charge of Conductor Cook. It was southbound and very crowded.

Too Crowded.

The three persons who were pitched off got on the car at One Hundred and Sixteenth street and Eighth avenue. At Manhattan avenue the road makes a sharp turn to go on downtown. The car being too full to allow the new passengers to get inside they were obliged to remain on the platform. Conductor Cook was in the forward end of the car collecting fares.

At a great rate of speed the motor-man went spinning around the curve and off went the two women and the boy. The conductor did not miss them until he stopped at One Hundred and Fifteenth street to let off some other passengers. Then he looked back and saw a crowd gathered at the corner. The passengers told him what had happened and he ran back. Detective Higgins, of the West One Hundred and Twenty-fifth street station, put him under arrest.

Woman Will Probably Die.

An ambulance was called and the unconscious woman was sent to the hospital. The surgeon who examined her said that she had sustained a compound fracture at the base of the skull, and that she would probably die.

Cook was taken to the Harlem Court and charged with assault. He was paroled in the custody of the company to await the result of the woman's injuries. The motor-man was not arrested.

The woman at the hospital is about twenty-six years old. She was well dressed in a raglan coat and a gray short walking gown. She is about 5 feet 6 inches tall, well built, with dark hair and eyes.

She carried a silver watch with a chain, a \$5 Confederate bill, a \$5 and a \$1 gold piece, a pawn ticket from Simon's, No. 72 Columbus avenue, on which was the name Koster, and a letter about which there was no envelope but which began "Dear Emma." She also had a silver-mounted miniature picture of an angel in one of her pockets.

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Flirtations, She Says.

"But in the first part of July, 1901," she alleges, "I began a flirtation with Mrs. Harry H. Duryea in the absence of her husband, and the defendant and Mrs. H. H. Duryea were often alone together in the dark, and openly carried on their flirtation in the presence of the plaintiff, and he permitted Mrs. H. H. Duryea to call him by endearing terms, and regardless of the

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TO-NIGHT'S EVENTS.

Dinner of the N. Y. Society of Certified Public Accountants, Waldorf-Astoria.

Dinner of the Medico-Legal Society, Press Club, No. 110 Nassau street.

American Senate and Historic Preservation Society, No. 27 West Thirty-fourth street.

Lecture, New York University School of Commerce, Washington Square South.

Entertainment of the East Side Republican Club, No. 223 East Thirty-third street.

Meeting of the Patriotic Republican Club, No. 270 East Seventy-eighth street.

People's Institute lecture, Cooper Union.

Stravinsky's Passengers Reach Port.

PAUMOUTH, March 19.—The Royal Mail Steamship Company's steamer Elbe (chartered by the Cunard line), having on board the passengers of the disabled Canadian steamer Elvira, which left the harbor March 18, passed the Lizard at 2:45 P. M. to-day.

Travel Made Easy.

The Pennsylvania Limited offers all the comforts of the home. Leaves New York daily for Chicago and St. Louis. Re-opens to St. Louis.

VERY LATEST NEWS IN BRIEFEST FORM.

ODD ACCIDENT IN PARK ROW.

A Park Row blast of wind this afternoon blew a wagon over on the horse drawing it. The harness broke and the frightened horse crawled into the wagon and lay there, blocking traffic. An electric car was finally hitched to the wagon and drew it away. The horse then consented to move.

MAGISTRATE MOTT PASSES THE LIE.

Magistrate Mott in the Harlem Court this afternoon got after Detective Storjohan, who had arraigned a woman. "You've lied to me," shouted Mott. "don't you ever bring another prisoner into my court."

MILLIONS FOR SENATOR FAIR'S HEIRS.

SAN FRANCISCO, March 19.—The Supreme Court of this state to-day declared the trust clause in the will of the late Senator James G. Fair invalid. The property, estimated to be worth upwards of \$20,000,000, will at once be distributed among the children of the deceased Senator.

1,000 SCHOOL CHILDREN IN BURNING BUILDING.

When fire was discovered this afternoon in the basement of Public School No. 2, Forty-sixth street and Third avenue, Brooklyn, Janitor Cumfort and Principal Haskell went through the rooms and directed the 1,000 children to the street. The utmost order was preserved. The basement was wrecked.

LATE RESULTS AT NEW ORLEANS.

Fourth Race—Imp. Albula 1. Hutch Miller 2. Homage 3. Fifth Race—Pay the Fiddler 1. Free Admission 2. Woodtrice 3.

CROWNSHIELD NOMINATION CONFIRMED.

WASHINGTON, March 19.—The Senate in executive session to-day confirmed the nomination of Capt. A. S. Crowinshield to be a Rear Admiral. There was no comment.

POLICE ELEVATOR TO OBSERVE SUNDAY.

Police Commissioner Partridge to-day issued an order that the elevator at Police Headquarters shall not run on Sunday afternoons and evenings.

M'GOVERN TO FIGHT YANGER.

Sam Harris, manager of Terry McGovern, announced this afternoon that he had decided to match Terrible Terry against Benny Yanger, the Chicago crack feather-weight, to battle some time in May. This evidently means that McGovern will not go to England to fight Ben Jordan during coronation week.

M'KINLEY DOCTOR BILLS LIGHT.

WASHINGTON, March 19.—The bills of the physicians who attended the late President McKinley have been received here and will be transmitted to Congress at an early day. It has been variously stated that these bills would assume enormous proportions out of all reason, but from the highest authority the information is obtained that they are in nowise excessive.

EXPECT CANALIAN COURT FIGHT.

WASHINGTON, March 19.—The legal officers who have been examining the question presented by the flight of Gaynor and Greene from Savannah to Canada have practically reached the conclusion that they can be reached under the extradition treaty. A prolonged struggle in the Canadian courts is expected before the fugitives can be secured.

LITTLE VICTIM'S FATHER ARRESTED.

Patrick Gallagher, of No. 51 Goerck street, father of a nine-year-old boy who died at Gouverneur Hospital Monday from lockjaw, as the result of injuries received from a toy pistol, was locked up to-day on a charge of intoxication. His remaining children were taken to the rooms of the Gerry Society.

FIRE CHIEF THROWN FROM BUGGY.

George L. Ross, Chief of the Eighth Battalion of the Fire Department, while driving to a fire this afternoon, collided with a furniture truck at Fourth avenue and Thirtieth street, and was thrown to the pavement. He escaped with a slight injury to his wrists. The driver of the furniture wagon, Thomas Sharkey, of No. 590 Second avenue, was arrested.

KAISER AND PRINCE AT KIEL.

KIEL, Prussia, March 19.—The German battle-ship Kaiser Wilhelm II., having on board Emperor William and Admiral Prince Henry of Prussia, arrived here at 5:30 P. M. His Majesty and the Prince were welcomed with the firing of salutes and cheers from the naval squadron in these waters.

DEAD MAN ON THE SIDEWALK.

An unknown man was found dead on the sidewalk in front of No. 23 Park Row this afternoon. He was about forty years old, 5 feet 2 inches tall and weighed about 130 pounds. The body is at the Oak street station.

ENGLAND WARNED BY RUSSIA AND FRANCE.

PATRICK SAYS HIS CASE IS WON

Lawyer Accused of Murder Criticises the Court.

MOORE IN GREAT RAGE.

Suddenly Announces Case for Defense Closed as Protest to Ruling.

NOT TREATED FAIRLY, THE PATRICK VIEW.

BY FRED M. HOUSE, Attorney for Albert T. Patrick.

We rested our case because our witnesses were not allowed the same opportunity to explain their testimony as were those of the prosecution. If we cannot have the same privileges that the other side has there is no use in going on. We have already acquitted our client, but if by any mischance there should be a conviction, we will get justice at the Court of Appeals.

PROSECUTOR SAYS HE IS SATISFIED.

By J. W. OSBORNE, Assistant District Attorney.

It is not for me as District Attorney prosecuting this case to criticize the action of the defense in resting its case and to the circumstances in which they did, and I must refuse to discuss the matter at this time. I am satisfied with the progress of the case so far as I am concerned. I could not have been suited better.

"We have closed the case," said Albert T. Patrick this afternoon. "We have won it, too. What was the use of going on? We could get no hearing."

This statement was made by the man accused of murdering Millionaire Rice just after his senior counsel, Robert M. Moore, had suddenly declared the case for the defense closed.

Moore and the Recorder had a war of words in the morning session over the testimony of David L. Short. The Recorder insisted that the witness was not giving proper answers. Mr. Moore objected and took exceptions to the Court's remarks.

They both kept at it until the Recorder threatened to punish him and warned the jury to disregard his contemptuous remarks.

During recess Mr. Moore tried to prevail on his colleagues to throw up the case then and take chances before the Court of Appeals, but the other two overruled him.

In the afternoon John Trendley, a St. Louis handwriting expert, was put on the stand. He is the man who is alleged to have made the Rice signatures which fooled some of the State's witnesses. His testimony was all excluded because the envelopes in which these signatures were placed were unsealed, whereas when shown the State's witnesses they were sealed.

Moore Closes Defense.

This made the defense more angry than ever. They then called Charles French, another expert. His testimony was objected to by Assistant District Attorney Osborne. The Recorder ruled that he was not testifying properly in that he was too superstitious.

That was too much for Mr. Moore. "Then we'll rest right here," he declared.

The Court took him at his word and Mr. Osborne plunged right into the rebuttal with Handwriting Expert Charles French.

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Formal Notice of a Franco-Russian Alliance Against the Anglo-Japanese Pact Served on All the Powers—Right Reserved to Protect the Interests of the Allied Nations.

ST. PETERSBURG, March 19.—The Official Messenger to-morrow will print the text of a Russo-French conjoint declaration, sent March 16 to the Austrian, Belgian, British, American, Spanish, German, Italian, Dutch, Chinese and Japanese Governments. The declaration is as follows:

The alleged Russo-French Governments are wholly pleased to discern that the Anglo-Japanese convention supports the essential principles which, according to the reiterated statement of France and Russia, constituted, and still constitutes, the foundation of their policy.

Both Governments believe that the support of these principles is also a guarantee of their interests in the Far East.

THEY ARE COMPELLED, HOWEVER, NOT TO LOSE FROM VIEW THE POSSIBLY INIMICAL ACTION OF OTHER POWERS, or a repetition of disorders in China, possibly impairing China's integrity and free development to the detriment of their reciprocal interests.

THEY THEREFORE RESERVE TO THEMSELVES THE RIGHT TO TAKE MEASURES TO DEFEND THESE INTERESTS.

The prefatory remarks say that Russia desires the maintenance of the status quo and the attainment of complete tranquillity in the Far East.

GROUT EXPOSES PLUNKITT'S GRAB.

Declares City Pays Senator Too Much Rent Under Leases Signed by Tammany Official.

Comptroller Grout to-day submitted to the Sinking Fund Commission evidence to support his charge that Senator George W. Plunkitt has been drawing exorbitant rentals on property leased to the city.

The leases of which the Comptroller complains were renewed Dec. 30, just before the last administration went out of office. The city on its part agrees to lease the various parcels of property from Plunkitt for the use of the Street-Cleaning Department. Some of the leases are to run until 1911.

In a report on the matter Comptroller Grout informs the Sinking Fund Commissioners that he has declined to pay the rentals. The Commission adopted a resolution asking the Corporation Counsel if the city under the circumstances has the right to at once terminate the leases.

Comptroller Grout also referred to the Sinking Fund Commission the report of Bryan L. Kennelly, appraiser, that the city should pay \$10,000 less rent than it does pay for Senator Plunkitt's four properties.

The city pays the Senator for Nos. 612 to 618 West Fifty-second street \$1,700 rent, and the Street-Cleaning Commissioner says the property is not needed at all and he has no use for it.

For Nos. 424-6 West Forty-eighth street Senator Plunkitt gets \$4,000 rent, but the appraiser says it should be \$2,125. The tax valuation is \$12,000, but should be \$5,000.

So with Nos. 625-7 West One Hundred and Thirtieth street, for which the Senator or charges \$5,000 a year. The appraiser says it ought to be \$2,937. The tax valuation is \$15,000, but ought to be \$4,000.

Another bit of the Senator's property is Nos. 505-15 East One Hundred and Sixteenth street, for which the city pays \$5,000.

Mr. Kennelly holds that \$2,000 would be enough. Tax valuation is \$34,000; the appraiser's valuation \$12,500.

From the appraiser's statement it appears that Senator Plunkitt has been saving in taxes and gaining in rent, catching on going both ways.

In the same way the rentals are \$25,000, but should be \$13,000.

HUGH O'NEILL IS LAID TO REST.

MANY HONORS AT LEADING MERCHANT'S FUNERAL.

Body Taken to Bronxville Cemetery After Simple Service in Church He Attended.

The funeral of Hugh O'Neill, the dry goods merchant, was held this afternoon from the Madison avenue Reformed Church, at Fifty-seventh street and Madison avenue. The Rev. Abbott E. Kittredge, pastor of the church, officiated.

The funeral was very largely attended. There was hardly a dry goods merchant of prominence in the city who was not there in person, and there were in attendance 1,500 of the deceased's employees.

The floral offerings were numerous and beautiful, despite the request of the family that there be none. One of the most striking pieces was a screen to feet square of roses and violets. The violets formed the initials "H. O. N." on the background of roses. This was the gift of the employees of the O'Neill store. There was also an immense basket of roses, lilies of the valley and carnations, the gift of the Buyers' Association.

The ceremony was very simple. There was no sermon in the church. The interment was in the cemetery at Bronxville.

Among those present were W. H. Cooper, Isaac Strauss, Nathan Strauss, E. W. Bloomingsdale, E. P. Hatch, B. Altman, M. Friedman, W. J. McCreary, James McCreary, Louis Stern, Isaac Stern, Benjamin Stern, Henry Siegel, the B. Bloomingsdale and Samuel Adams, and Samuel Adams.

To Cure Grip in Two Days

Laetitia Brown-Quinn repeats the cure. W. W. Greer's Signature on every box.

FOX WITHDRAWS WILL CONTEST.

CONVINCED THAT HE MADE A MISTAKE.

Upon His Request Surrogate Fitzgerald Admits Document to Probate.

John Fox, Jr., has withdrawn his contest of the will of his mother, wife of ex-Senator John Fox, President of the Democratic Club, and the will was admitted by Surrogate Fitzgerald this afternoon on the receipt of the official letter from Mr. Fox.

Mr. Fox had drawn all the objections filed by me to the probate of the will of my mother, Mr. Ellen Fox, and I desire and request that the said will be admitted to probate by the Court. I made the contest upon representations made to me and which I believed at the time to be true, but which I have since ascertained are wholly false.

GARFIELD'S SON TO GET OFFICE.

WASHINGTON, March 19.—James R. Garfield, son of the late President, will be given the appointment of Civil Service Commissioner to succeed William A. Rodenburg, if he will accept it. The President at one time favorably considered the name of Harry A. Garfield for the place, but he was informed that the latter would not accept the appointment.

Whole, ground or pulverized, fresh daily, only 1-10. Berlin's, 10c. Private Home Office.